
REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text.
Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with the fourth enactment of Chapter 875 of the 2007 Act of Assembly, which states that the Department of Transportation shall promulgate the Schedule of Reimbursement described in §25.1-417.1 of the Code of Virginia by October 1, 2007, to become effective that day.

Title of Regulation: 24VAC30-45. Appraisal Fee Regulations (adding 24VAC30-45-10, 24VAC30-45-20, 24VAC30-45-30).

Statutory Authority: Chapter 895 of the 2007 Acts of Assembly.

Effective Date: October 1, 2007.

Agency Contact: Michael McCall, Chief Appraiser, Department of Transportation, Right of Way and Utilities Division, 5th Floor Annex, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3029, FAX (804) 786-1706, or email michael.mccall@vdot.virginia.gov.

Summary:

This regulation addresses partial reimbursements of costs to a landowner who obtains a written appraisal report in cases where the landowner and the Virginia Department of Transportation (VDOT) cannot reach an agreement as to the price of property needed for public purposes pursuant to §25.1-417.1 of the Code of Virginia. In addition to the schedule of allowable fees, it describes the requirements landowners must follow to receive payments, how payments will be made, as well as VDOT's role in explaining the entitlement.

CHAPTER 45

APPRAISAL FEE REGULATIONS

24VAC30-45-10. Purpose.

This chapter addresses reimbursements of costs to a landowner who obtains a written appraisal report in cases where the landowner and the Virginia Department of

Transportation (VDOT) cannot reach an agreement as to the price of property needed for public purposes.

24VAC30-45-20. General provisions.

A. Notwithstanding any other provision of Title 25.1 of the Code of Virginia to the contrary, whenever VDOT and the landowner do not reach an agreement for the acquisition of private property and VDOT lawfully files a certificate of deposit/certificate of take pursuant to Article 7 (§33.1-94) of Chapter 1 of Title 33.1 of the Code of Virginia, if authorized to do so, or files a petition in condemnation pursuant to §25.1-205 of the Code of Virginia, the landowner shall be entitled to partial payment pursuant to §25.1-417.1 of the Code of Virginia for the cost of preparation of one written self-contained or summary appraisal report, subject to the following conditions:

1. The offer by VDOT exceeds \$250,000 or the landowner files a responsive pleading or other written form contending that just compensation for the land and interests described in the certificate or petition in condemnation exceeds \$250,000. Any written form other than a responsive pleading shall be submitted to the district right of way and utilities manager in the VDOT construction district where the property is located or to the attorney appointed to represent VDOT for that acquisition;

2. The report submitted is written, complete and accurate, and of the same type (written self-contained or summary appraisal report) furnished to the landowner by VDOT when the offer to acquire was made;

3. The report relates to the type of acquisition sought by VDOT;

4. Pursuant to §25.1-417.1 of the Code of Virginia, the report complies with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) when the offer is extended by VDOT; the USPAP is available at www.AppraisalFoundation.org or by contacting the Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005;

5. To receive the payment or partial payment for the appraisal, the report as described above (two copies are requested) is furnished to VDOT or to the attorney appointed to represent VDOT for that acquisition at least 60 days prior to date of trial, and is accompanied by a bill for the appraisal services, or a receipt of payment made by the landowner or on his behalf.

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B. When the offer is \$250,000 or more, or the landowner's demand is for \$250,000 or more, and it is evident that a certificate of deposit/certificate of take will be required to be filed, VDOT's negotiating agent is responsible for explaining in clear and understandable language the landowner's entitlement under §25.1-417.1 of the Code of Virginia. When offers are made by mail and no personal contact is made, the negotiating agent shall send a letter explaining this entitlement in detail, along with a copy of §25.1-417.1 of the Code of Virginia.

C. Any written form other than a responsive pleading shall be submitted to the district right of way and utilities manager in the VDOT construction district where the property is located or to counsel appointed to represent VDOT for that acquisition.

If, after review, the appraisal conforms to the requirements of §25.1-417.1 of the Code of Virginia, VDOT will provide payment according to the manner in which the landowner made the request. If the request for reimbursement is in the form of a receipt from the landowner, payment shall be made directly to the landowner. If the request for reimbursement is in the form of a bill from the appraiser, payment shall be made jointly to the appraiser and the landowner.

D. The amount of payment shall depend on the type of appraisal provided and shall not exceed actual costs or the amount allocated under VDOT's schedule of payment listed in 24VAC30-45-30, whichever is lower. Payment will be provided within 90 days of the receipt of the written appraisal report by VDOT according to the schedule of payment.

E. Disputes about the amount of payment made by VDOT shall be resolved by the court if the landowner and VDOT are unable to reach agreement.

24VAC30-45-30. Schedule of Payment.

The following schedule shall be used for determining reimbursements under this chapter:

SCHEDULE OF PAYMENT			
IMPROVED PROPERTY ¹	SIZE	STATE FEE	NOVA FEE ²
Retail large	Greater than 50,000 square feet	\$8,000	\$10,000
Retail mid size	7,001 to 50,000 square feet	\$6,000	\$10,000
Retail	Less than	\$5,000	\$8,000

	7,000 square feet		
Industrial large	10,000 square feet or greater	\$8,000	\$10,000
Industrial small	Less than 10,000 square feet	\$5,000	\$ 8,000
Special use (church, lodge, etc.)	—	\$5,000	\$ 8,000
Office large	10,000 square feet or greater	\$6,000	\$10,000
Office small	Less than 10,000 square feet	\$ 5,000	\$8,000
Apartments large	Over 50 units	\$ 6,000	\$10,000
Apartments small	5-50 Units	\$ 5,000	\$8,000
Single family or residential apartment (2-4 units)	—	\$ 2,500	\$5,000
LAND			
Vacant land or with minor improvements	—	\$3,000	\$5,000

¹ Appraisals involving valuation of major improvements

² This is the Northern Virginia District and includes the Counties of Arlington, Fairfax, Loudoun and Prince William and the Cities and Towns of Alexandria, Dumfries, Fairfax, Falls Church, Herndon, Leesburg, Manassas, Manassas Park, and Vienna